

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

KENTRELL WELCH,

Plaintiff

v.

WILLIAM RUEBART, et al.,

Defendants

Case No. 3:22-cv-00423-ART-CLB

**ORDER**

**I. DISCUSSION**

On September 21, 2022, Plaintiff, an inmate in the custody of the Nevada Department of Corrections (“NDOC”), submitted a motion for a temporary restraining order, a motion for a mandatory injunction, and supporting documents. (ECF Nos. 1-1, 1-2, 1-3, 1-4, 1-5.) Plaintiff has not submitted a complaint or an application to proceed *in forma pauperis*.

Under Federal Rule of Civil Procedure 3, “[a] civil action is commenced by filing a complaint with the court.” Fed. R. Civ. P. 3. As such, the Court grants Plaintiff until **November 22, 2022**, to submit a complaint to this Court.

Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, an inmate seeking to begin a civil action in this Court may apply to proceed *in forma pauperis* in order to file the civil action without prepaying the full \$402 filing fee. To apply for *in forma pauperis* status, the inmate must submit all three of the following documents to the Court:

- (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, on this Court’s approved form (i.e. pages 1 through 3 with the inmate’s two signatures on page 3),
- (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official (i.e. page 4 of this Court’s approved form), and
- (3) a copy of the **inmate’s prison or jail trust fund account statement for the previous six-month period**.

1 Plaintiff has not submitted an application to proceed *in forma pauperis*. The Court  
2 will grant Plaintiff a **one-time extension** to file a fully complete application to proceed *in*  
3 *forma pauperis* containing all three of the required documents. Plaintiff will file a fully  
4 complete application to proceed *in forma pauperis* on or before **November 22, 2022**.  
5 Absent unusual circumstances, the Court will not grant any further extensions of time.

6 If Plaintiff is unable to file a fully complete application to proceed *in forma pauperis*  
7 with all three required documents on or before **November 22, 2022**, this case will be  
8 subject to dismissal without prejudice for Plaintiff to file a new case with the Court when  
9 Plaintiff is able to acquire all three of the documents needed to file a fully complete  
10 application to proceed *in forma pauperis*.

11 A dismissal without prejudice means Plaintiff does not give up the right to refile the  
12 case with the Court, under a new case number, when Plaintiff has all three documents  
13 needed to submit with the application to proceed *in forma pauperis*. Alternatively, Plaintiff  
14 may choose not to file an application to proceed *in forma pauperis* and instead pay the  
15 full filing fee of \$402 on or before **November 22, 2022**, to proceed with this case.

## 16 **II. CONCLUSION**

17 For the foregoing reasons, IT IS ORDERED that Plaintiff will submit a complaint to  
18 this Court on or before **November 22, 2022**.

19 IT IS FURTHER ORDERED that the Clerk of the Court will send to Plaintiff the  
20 approved form for filing a 42 U.S.C. § 1983 complaint and instructions for the same. The  
21 Clerk of the Court will also send Plaintiff a copy of his motion for a temporary restraining  
22 order and his motion for a mandatory injunction (ECF Nos. 1-1, 1-2).

23 IT IS FURTHER ORDERED that the Clerk of the Court will send Plaintiff the  
24 approved form application to proceed *in forma pauperis* by an inmate, as well as the  
25 document entitled information and instructions for filing an *in forma pauperis* application.

26 IT IS FURTHER ORDERED that on or before **November 22, 2022**, Plaintiff will  
27 either pay the full \$402 filing fee for a civil action (which includes the \$350 filing fee and  
28 the \$52 administrative fee) or file with the Court:

1 (1) a completed **Application to Proceed in Forma Pauperis for Inmate** on this  
2 Court's approved form (i.e. pages 1 through 3 of the form with the inmate's two  
3 signatures on page 3),

4 (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail  
5 official (i.e. page 4 of this Court's approved form), and

6 (3) a copy of the **inmate's prison or jail trust fund account statement for the**  
7 **previous six-month period.**

8 IT IS FURTHER ORDERED that, if Plaintiff does not file a complaint and a fully  
9 complete application to proceed *in forma pauperis* with all three documents or pay the full  
10 \$402 filing fee for a civil action on or before **November 22, 2022**, this case will be subject  
11 to dismissal without prejudice for Plaintiff to refile the case with the Court, under a new  
12 case number, when Plaintiff is able to file a complaint and has all three documents needed  
13 to file a complete application to proceed *in forma pauperis* or pays the full \$402 filing fee.

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15 DATED THIS 22nd day of September 2022.

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17 UNITED STATES MAGISTRATE JUDGE  
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